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BIHAR ELECTRICITY REGULATORY COMMISSION, PATNA

NOTIFICATION

The 18th May, 2015

Bihar Electricity Supply Code (4th Amendment) 2015

No. BERC Case No.- 18/2013-02—In exercise of powers conferred under Section 181(1) and 181(2)(x) read with Section 50 of the Electricity Act, 2003 and for removal of difficulties of various stakeholders, Bihar Electricity Regulatory Commission hereby makes the 4th amendment in Bihar Electricity Supply Code, 2007 which was originally issued vide Notification No. BERC/Reg-6/2006/529 dated 31st December, 2007 and published in the Extraordinary Bihar Gazette on 10th January, 2008.

4th Amendment to Bihar Electricity Supply Code 2007

1. Short title and commencement:

- (i) This code may be called the “Bihar Electricity Supply Code (4th Amendment), 2015.
- (ii) It shall extend to the whole State of Bihar.
- (iii) This shall come into force with effect from the date of publication in Bihar Gazette.

2. Amendment in chapter 4 of the Code

Third proviso of clause 4.1 shall be substituted by the following :
Provided that

- (i) *If there are arrears of electricity dues against the owner or occupier or tenant of a premises as a consumer, new connection shall not be denied to subsequent owner, occupier or tenant, and the arrear of*

electricity dues on the premises shall be recovered from the defaulting consumer under the provisions of Bihar and Orissa Public Demands Recovery Act, 1914 or alternately the arrears may also be transferred to another running accounts of the defaulting consumer after adjustment of amount of security deposit and interest there on and giving fifteen days notice.

- (ii) *Where a property/premises has been sub-divided, the outstanding dues for the consumption of energy on such premises, if any, shall be divided and recovered on pro-rata basis based on area of subdivision, and a new connection to such sub-divided premises shall be given only after the share of outstanding dues attributed to such sub-divided premises is duly paid by the applicant. A licensee shall not refuse connection to an applicant only on the ground that dues on the other portion (s) of such premises have not been paid nor shall the Licensee demand record of last paid bills of other portion (s) from such applicant.*
- (iii) *If there are arrears of electricity dues on a premises, a new connection may be refused to a new applicant on the same premises if the applicant being an individual is an associate or relative as defined in Section 2 and 6 respectively of the companies Act, 1956 of the defaulting consumer, or where the applicant being a company or body corporate or association, or body of individuals, whether in corporate or not, or artificial judicial person, is controlled, or having controlling interest in the defaulting customer. Provided the Licensee shall not refuse electric connection on this ground, unless an opportunity to present his case is provided to the applicant and reasoned order is passed by an officer designated by the licensee for this purpose and the order of refusal shall be communicated within one month of receipt of the application.*

3. Amendment in chapter 6 of the Code

- (i) Clause 6.37 shall be substituted by the following :-

"The connected load of a domestic consumer who has not opted for demand based tariff shall be determined as per the procedure specified in Annexure 4 (Amended up-to-date) of this code. For the consumer who opts for demand based tariff the contract demand shall be the demand contracted by the consumer. The billing demand will be the contract demand or recorded demand in the consumer's meter whichever is higher. In case of demand based tariff, verification of connected load will not be required."

4. Amendment in chapter 7 of the Code

Clause 7.1 shall be substituted by following two Clauses 7.1 (a) and 7.1 (b)

Contract Demand

"7.1 (a) The contract demand for L.T consumer, without maximum demand indicator, shall be the load of the premises as determined under clause 6.37 and 6.39 of this code or as per the agreement entered into between the consumer and the licensee whichever is higher".

"7.1 (b) The contract demand for L.T consumer, with maximum demand indicator, shall be the demand contracted by the consumer. The billing demand will be the contract demand or recorded demand in consumer's meter whichever is higher. In such cases provision of clause 6.37 and 6.39 shall not apply".

The licensee shall install load arrestor of suitable capacity upto 150% of the contracted load.

5. Amendment in chapter 8 of the Code

The footnote of the Clause 8.6 (d) shall be deleted and a new clause 8.6 (g) shall be added as below:-

"8.6(g) The seal of the consumer meter shall be removed only by the licensee.

No consumer shall tamper with, break or remove the seal. No case of theft shall be booked only on the basis that the seal is found damaged/broken/ dilapidated / missing or glass window is found broken, unless corroborated by consumption pattern of the consumer and such other evidence as may be available .Such meters shall also be tested for tampering. The licensee shall send a notice to the consumer and shall also ascertain the cause and test the meter of the consumer in presence of consumer/or his representative and if the tampering is not found in the meter, no punitive action would be taken and the licensee shall reseal the meter.

6. Amendment in chapter 9 of the Code

The clause 9.16 shall be substituted by the following.

"In case of meter being defective / damaged / burnt/stolen, the licensee, shall replace it within the period specified in "Standards of Performance of Distribution Licensee", Regulations issued by the Commission.

- (i) *Till defective / damaged / burnt/ stolen meter is replaced, in order to recover energy charges, the consumption will be assessed and billed on an average consumption of last 12 months from the date of meter being out of order subject to minimum monthly charges (MMC) if any and such consumption shall be treated as actual consumption for all practical purposes including calculation of electricity duty, until the meter is replaced/rectified. If no MMC is provided in the tariff order that shall be treated as zero.*
- (ii) *In case of a new consumer, if the meter becomes defective/ damaged/ burnt/stolen prior to completion of 12 months since its installation, the billing for the period for such defective/ damaged/ burnt / stolen meter, till it is replaced, shall be done on the basis of average monthly consumption determined on the basis of the period meter remained functional or the monthly minimum consumption if provided in the tariff order, whichever is higher.*
- (iii) *In case of the meter of a consumer becoming defective / damaged / burnt / stolen in the first month of installation itself,*

without taking any reading the consumer shall be provisionally billed on the basis of MMC and where MMC is not provided in the tariff order on the basis of amount of security collected for one month. However, the provisional bill will be issued for one month only and that the provisional bill will be finalized and adjusted on the basis of consumption of the second month by which time the licensee is required to replace the meter.

In case a check meter is available, the readings of the check meter may also be used for assessment of consumption.

Amendment in Clause 9.19

The following shall be added at the end of the Clause-

"The licensee may also serve the monthly energy bills to the high value H.T consumers and to such other consumers who opt for it by e-mails and/or SMS alongwith Hard Copies of the same, with condition that the date of billing shall be computed on the basis of the date of sending the bills by email/SMS to the consumer".

7. Amendment in chapter 10 of the Code

(i) The following proviso shall be added at the end of the Clause 10.3
"Provided that the high Value HT consumers shall make payments of monthly energy bills through National Electronic Funds Transfer (NEFT)/Real Time Gross Settlement (RTGS) mode only".

(ii) Clause 10.15

A new Clause 10.15 (a) shall be added at the end of clause 10.15
"10.15(a) The Licensee shall recover the dues of electricity regularly. In case the recovery of the dues is likely to be inordinately delayed in normal course, licensee shall promptly take steps to recover the dues under Bihar and Orissa Public Demands Recovery Act,1914.

The licensee may also realize the dues by transferring the energy dues to another running account of the same defaulting consumer (individual/company) after adjusting the security deposit and interest thereon of the defaulting consumer and giving notice of 15 days to the consumer and opportunity of being heard".

8. Amendment in Chapter 11 of the Code

In Clause 11.1 (b) (i) and 11.2.3 (b) (i) Annexure 7 to be read as "amended Annexure 7".

Amended annexure 4, 4(1) and 7 are annexed.

By order of the Commission,
PARMANAND SINGH,
Secretary.

Annexure - 4

(See Clause 6.37)

Amended as on 18.05.2015

Determination of Connected Load*Domestic Connection*

1. Name of the consumer: _____
 2. Address : _____

3. Consumer Number (for existing connection) : _____

4. *The applicant/consumer shall furnish the details in the following table to enable the determination of the connected load.*

All items of load shall be taken as per manufacturer's rating. In case of non- availability of the manufacturer's rating of any item, the load as shown in the Annexure - 4 (1) shall be considered.

S1.No.	Domestic appliance	Load of each appliance (in Watt)	No.	Total load (Watts)
1	2	3	4	5 (3x4)
Total connected load				
Load contracted by the Applicant (Consumer)				

Explanation:

- (i) Spare socket/points/holders shall not be counted towards connected load.
- (ii) Defective appliances like A.C, cooler, freeze, Gysers, T.V., Iron, Oven, etc. which are not connected and not working shall not be taken into account.
- (iii) In some domestic connections Geyser and Air-conditioner (without heater) are installed. The load of Geyser(s) shall be accounted for billing for the month of December, January & February and the load of Air-conditioner(s) (without heater) shall be taken into account for the month of April to September. The load of Air-conditioner(s) with heater(s) shall be accounted as connected load for full year.
- (iv) For computation of the connected load of a domestic consumer either load of coolers/fans or room heaters whichever is higher shall be considered.
- (v) Subject to the minimum load of 1 kw, the fraction of the load below 500 Watts shall be rounded to its nearest lower level of whole number and 500 Watts and above shall be rounded to nearest higher level of whole number.

- (vi) In case of demand based tariff verification of connected load will not be required.

Signature of the consumer/His
representative

Signature of the licensee's
representative

Date: _____
Place :_____

Date: _____
Place :_____

Annexure - 4 (1)

Amended as on 18.05.2015

Typical Power Rating and Load Factor of Domestic Appliances to be considered for billing purposes

Item	Power Rating
Bulb	as per actual rating
Tube light 2'/4'	20/40 watt or actual
Fan	60 watt or actual
Tape-recorder/Music system	25 watt or actual
Vacuum cleaner	250 watt / actual
Television-colour - Black & white	100 watt or actual 60 watt or actual
Mixie	60 watt / actual
Freeze	200 watt or actual
Cooler	200 watt or actual
Heater (for cooking and water heating)/ Induction Chulha	1000 watt / actual
Washing machine	250 watt or actual
Geyser	2000 watt or actual
Microwave Oven	1500/2000 watt or actual
Air Conditioner (1 ton/1.5 ton/2.0 ton)	1500/ 2000/ 2250 watt or actual
Split Air Conditioner 1.5 ton / 2.0 ton	2250 watt / actual
Computer	100 watt or actual
Printer	150 watt or actual
Water lifting Pump set	375 watt or actual

Inverter	Nil
Electric Iron	250 Watt or actual

Note Bureau of Energy Efficiency (BEE), Ministry of Power, Govt. of India has specified the rating of various domestic appliances in terms of energy efficiency level (1 to 5 star) and such appliances have lower rating which shall be accepted.

Annexure - 7

[See Clause 11.1(b)(i) & 11.2.3(b)(i)]
(Amendment as on 18.05.2015)

Assessment of Energy Charges in Case of Unauthorised Use /Theft of Electricity

Assessment of energy shall be done based on the following formula:

$$\text{Units Assessed } U = L \times F \times D \times H$$

Where:

- U = Quantum of Energy Assessed in Units
- L = Connected Load in KW found at the time of inspection / raid at site.
- F = Load factor as per chart given below
- H = Number of average hours of supply made available per day on the feeder supplying power to the consumer or person as the case may be.

The number of hours shall be ascertained from the log book of the concerned power sub-station and from any other meter connected to the same transformer.

The hours has to be fixed after giving proper justification in the assessment order.

- D = Number of days during which unauthorized use of electricity has taken place.

The Assessing Officer shall determine the number of days during which the unauthorized use of electricity has taken place after proper scrutiny and analysis of the inspection done, data collected in monthly meter reading, data stored in the meter, date of purchase and installation of appliances found during inspection, and any other relevant factors.

The Assessing officer has first to ascertain the period if the period during which such unauthorise use of electricity has taken place can not be ascertained by the assessing officer even after the consideration of the above, such period shall be limited to 12 (twelve) months immediately preceding the date of inspection,

and in that case the Assessing officer has to give clear and reasoned order for using the period of twelve months and the explanation as to why the period could not be ascertained.

LOAD FACTOR CHART FOR DIFFERENT CATEGORY OF SERVICES

Sl. No	Category of Service	Load Factor (F)
1	Domestic power consumer	0.30
2	Non-domestic consumer	0.50
3	Agriculture Consumer	0.30
4	LT Industrial Consumer	0.50
5	High Tension Consumer	0.75
6	Categories of consumers not covered above	0.50

In case of High Tension (HT) Supply, the Connected load **L** for the purpose of assessment of consumption (units assessed) shall be calculated as follows;

L (in kw) = Contracted demand, or actual recorded demand in KVA found at the time of inspection / raid or eighty percent of permissible transformer capacity whichever is higher x 0.90 (PF)

(A) Assessment in Cases of Unauthorized Use of Electricity (UUE):

1. The consumption so assessed as per $L \times F \times D \times H$ formula and after deducting the units already billed / to be billed up to the date of inspection shall be charged at twice the applicable tariff rate for the relevant category of service. The amount billed at this rate shall not be taken into consideration for the purpose of computing consumer's liability to pay monthly/annual minimum charges, wherever applicable.
2. If the connected load of the consumer is found in excess of load contracted, then the fixed charge or the demand charge, as the case may be, shall also be charged for the excess load at twice the applicable tariff rate. The period for computation in such cases shall be as stated in 'D' above.
3. If the connected load of LT consumer is found in excess of contracted load and no tampering or bypassing of the meter or theft is detected then in such cases the short fall in units in Monthly Minimum Consumption (MMC) if provided in the tariff order and the fixed charge for the excess load detected during the inspection/raid shall be charged at twice the applicable tariff rate for the period stated in 'D' above.

4. In cases where fixed monthly tariff exist, monthly assessment shall be made at twice the normal rate for excess load.
5. (i) If it is found at any time that the energy supplied is used for a purpose on which higher tariff is applicable, the assessment shall be made for the period as stated in 'D' above.

The total charges for energy consumption for such period shall be assessed on the basis of twice the difference of higher and lower tariff rates.

Provided that if it is found at any time that the energy supplied is used for a purpose on which lower tariff is applicable, it shall not be considered as unauthorised use of electricity and no penal action will be taken.

- (ii) The calculations above are subject to the condition that meter is working satisfactorily, else, the energy will be calculated on the basis of $L \times F \times D \times H$ formula as stated above.
6. If it is found at any time that the connection has been shifted to a premises or area other than for which supply of electricity was authorised, the assessment shall be made for entire period during such unauthorized shifting has taken place, however the period during which such unauthorized use of electricity has taken place cannot be ascertained shall be limited to 12 months immediately preceding the date of inspection. The assessment shall be made at the rate equal to twice the applicable tariff rate.

(B) Assessment of Energy Charges in Cases of Theft of Electricity

- (a) Assessment of energy in the cases of theft shall be calculated based on the same formula $U = L \times F \times D \times H$
- (b) In case of theft as defined in section 135(1)(a) of the Electricity Act, 2003 **F** shall be taken as equal to 100% for those who are not consumer however for the consumer the load factor as stated in the load factor for chart of $L \times F \times D \times H$ formula above shall be applicable.
- (c) The consumption so assessed after adjusting the energy consumption or billed whichever is higher during the assessment period shall be charged at twice the tariff applicable for the relevant category of services for which load was found to have been used.

For demand charges, the maximum demand found at the time of inspection/raid at site or eighty percent of the permissible transformer capacity whichever is higher after, adjusting the KVA demand already billed or to be billed upto the date of inspection/raid, shall be charged at twice the applicable tariff rate.

- (d) The period for computation shall be taken as stated in 'D' above.

Note: In case of tampered meters, the inspecting authority shall book the Consumer under section 126 of the Electricity Act, 2003 for UUE only where such tampered meters are found in use but there is no incriminating evidence available that implicate the consumer.

The inspecting authority shall book the consumer under Section 135 of the Electricity Act, 2003 only when incriminating evidence is found, which implicate such consumer(s) for dishonestly committing theft of electricity through tampered meters.

By order of the Commission,
PARMANAND SINGH,
Secretary.

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